

APPENDIX 1

Changes to Constitution

Substantive changes relation to the new Executive arrangements (as agreed by Council 9 December 2010)

- 1.1 Part 1 – Summary and Explanation
- 1.2 Part 2 – Articles
 - 4 – The Council
 - 7 – The Executive
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- 1.3 Part 3 – Responsibility for Functions
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 - Standing Orders 4, 6a, 7, 14
 - Executive Procedure Rules 1 & 2

PROPOSED AMENDMENTS ARE HIGHLIGHTED

Appendix 1.1

SUMMARY AND EXPLANATION

1. The Council's Constitution

The Stevenage Borough Council has a Constitution that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 14 articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

2. What's in the Constitution?

Article 1 of the Constitution commits the Council to providing Community Leadership, supporting the involvement of citizens in decision-making and other essential elements.

Articles 2 – 14 explain the rights of citizens and how the key parts of the Council operate.

These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council (Article 4)
- The Mayor (Article 5)
- Scrutiny and Overview (Article 6)
- The Executive (Article 7)
- The Standards Committee, Regulatory and other Committees (Article 8)
- Joint Arrangements and Joint Committees (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Monitoring and Revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

3. How the Council operates

The Council is composed of 39 councillors elected every four years with one third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding

duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising them on the Code of Conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year.

Every four years the Council appoints the Leader, who then appoints a Deputy Leader and an Executive of between 2 and 9 councillors and allocates to them specific areas of responsibility (Portfolios). Non-Executive business is decided upon by Committees which are appointed by Council each year.

The Council meetings incorporate a number of special features:

- Leader of the Council's update
- Petitions and deputations from local people
- Questions from local people
- A main debate on a matter of local interest, with the opportunity for local people to participate

4. How Decisions are Made

The Leader together with the Executive are the main decision making bodies of the Council. When major decisions are to be discussed or made, these are published in the Leader's forward plan in so far as they can be anticipated.

Decision-making meetings of the Executive will generally be open for the public to attend except where personal or confidential matters are being discussed (matters referred to as 'confidential information' or 'exempt information' under the Local Government Act 1972 and as defined in the Access to Information rules in Part 4 of this Constitution).

The Leader / Executive has to make decisions which are in line with the Council's overall policies and budget. **If a decision is to be taken that is outside the budget or policy framework, then, unless the Council has given the Leader / Executive** some discretion in this respect, the proposed decision must be referred to the Council as a whole to decide.

Executive decisions may also be made by its Committees and Neighbourhood Action Teams in accordance with their terms of

reference, individual members and officers where such decisions have been delegated to them.

5. Overview and Scrutiny

There is a Scrutiny Overview Committee that supports the work of the **Leader / Executive** and the Council as a whole. The Committee undertakes policy development and review and also looks closely at decisions the Executive is going to take. This work may lead to reports and recommendations which advise the **Leader / Executive** and the Council as a whole on its policies, budget and service delivery. The Scrutiny Overview Committee **also monitors Executive decisions taken**. It can call-in an **Executive decision which has been made but not yet** implemented. This enables it to consider whether the decision is appropriate. It may recommend that the **Leader / Executive** reconsider the decision. It may also be consulted by the **Leader / Executive** or the Council on forthcoming decisions and the development of policy.

6. Neighbourhood Forums / Action Teams *(based on 2010/2011 arrangements)*

In order to give local citizens a greater say in Council affairs, there are six *Neighbourhood Forums, which meet informally in the community. Local citizens are encouraged to actively participate in the Forums, which are divided into the following areas:*

- *Old Town, Symonds Green and Woodfield*
- *Bedwell and Pin Green*
- *Shephall, Bandle Hill and Poplars*
- *St Nicholas and Martins Wood*
- *Chells and Manor*
- *Broadwater*

Issues raised at the Forums are fed back to the six Neighbourhood Action Teams, which mirror the areas of the Forums. These are formal committees of the Council which take decisions on how to spend the area budget.

The Neighbourhood Action Teams' voting membership consists of the Borough Councillors for the Wards within each area. The County Councillor(s) for the County Division(s) within each area are invited to attend meetings. Members of the public may attend, but do not have an automatic right to speak.

7. The Council's Staff

The Council has people working for it (called officers) to give professional advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure

that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

8. Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own process.

Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by its citizens in its work. The Access to Information Rules set out in Part 4 of this Constitution sets out the citizens' rights to access meetings and papers.

APPENDIX 1.2

ARTICLE 4 – THE COUNCIL

4.1 Meanings

a. Policy Framework

The policy framework means the following plans and strategies:

- The Annual Report
 - Sustainable Community Strategy
 - All plans and strategies which together comprise the Local Development Framework
 - Corporate Plan
 - Community Safety Strategy
 - Housing Strategy
 - Best Value Performance Plan
- b. **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Statement of Accounts, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- c. **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Council

Only the Council will exercise the following functions, except that matters may be dealt with via the approved urgency procedure provided they are not reserved to the Council by law:

- a. Electing a Mayor and Deputy Mayor.
- b. **Electing the Leader for a 4 year term or removing the incumbent from office.**
- c. Appointing a Leader of the Opposition. Appointing committees as required by law or as otherwise appropriate, agreeing terms of reference, composition and electing Chairs to those Committees.
- d. Adopting and changing the Constitution, including the Scheme of

Delegation **in so far as it relates to non-Executive functions,** Standing Orders and Contract Standing Orders and Financial Regulations, other than where factual information requires updating;

- e. Approving or adopting the policy framework, the budget (General Fund and Housing Revenue Account), as set out above and any application to the Secretary of State in respect of any Housing Land Transfer;
- f. Subject to the urgency procedure contained in the Budget and Policy Framework Rules in Part 4 of this Constitution, and to any discretion granted by the Council to the decision makers, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- g. Adopting a Members' Allowances Scheme;
- h. Conferring the titles of Honorary Freeman of the Borough and Honorary Alderman;
- i. Functions relating to the name/status of the area, (under Section 74 of the 1972 Act);
- j. Appointing and dismissing the Chief Executive; making arrangements for the selection/appointment of the Head of the Paid Service (via a Committee of the Council), Strategic Directors, other Proper Officers, as appropriate and the Council's Electoral Registration Officer and Returning Officer;
- k. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l. Accepting a delegation from another Local Authority;
- m. Considering and deciding upon action to be taken in relation to statutory reports of the Monitoring Officer, Chief Finance Officer and Head of Paid Service;
- n. Establishing a new civic link;
- o. Determination of an overall borrowing limit under Section 45 of the Local Government and Housing Act 1989;
- p. Approving local lotteries;

- q. Decisions on matters referred from or via the Executive, Scrutiny Overview Committee or Standards Committee, where able to do so;
- r. Considering Ombudsman reports and deciding upon action to be taken where there has been a finding of maladministration with injustice, and, to make payments or provide other benefits in cases of maladministration, etc. where this is not delegated to the officers;
- s. Performing 'local choice functions' as set out in Part 3 of this Constitution that Council decides should be undertaken by itself rather than the Executive;
- t. Taking decisions in respect of Council functions which have not been delegated by the Council to Committees or officers;
- u. Those relating to elections (except insofar as they are the responsibility of, or have been delegated to, the Electoral Registration Officer or Returning Officer);
- v. The appointment of review boards under regulations under subsection (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998; and
- w. Dealing with all other matters which by law must be reserved to Council.

4.3 Council meetings

Council meetings are conducted in accordance with the Council's Standing Orders, as shown in Part 4 of the Council's Constitution.

4.4 Responsibility for functions

Part 3 of the Council's Constitution sets out the responsibilities for the Council's functions which are not the responsibility of the **Leader/Executive**.

Officers of the Council may carry out functions on behalf of the Council subject to the Scheme of Delegation set out at Part 3.

ARTICLE 7 – THE EXECUTIVE

7.1 Purpose

The **Leader** appoints the Executive to carry out all of the local authority's functions which are not the responsibility of any other part

of the local authority, whether by law or under this Constitution. Its terms of reference are set out in Part 3 of this Constitution.

7.2 Composition

The Leader determines the number of Councillors on the Executive (between two and nine Members excluding the Leader). The Executive and any of its Committees do not have to be politically balanced.

7.3 The Leader of the Council

The Leader of the Council is appointed at the relevant Annual Council meeting for a four year term unless he or she is removed from office, or is disqualified or ceases to be a Councillor.

7.4 Executive Members

The Leader appoints between 2 and 9 Councillors the Members of the Executive and allocates specific areas of responsibility (portfolios) to them. The Executive Members so appointed shall hold office for the Municipal Year unless he or she is removed from office by the Leader, or is disqualified or ceases to be a Councillor. There are no co-optees and no deputies or substitutes for Executive Members.

7.5 The Deputy Leader

The Leader appoints a Deputy Leader from the Executive Members whose term of office will be same as the Leader's save that the Leader can replace the Deputy at any time. The Deputy Leader will exercise all the powers of the Leader in her/his absence.

7.6 Proceedings of the Executive

The procedures applicable to Executive are set out at Part 4 of this Constitution.

7.7 Executive Portfolios and Other Delegations

The Leader decides what type of Cabinet portfolios will exist and how they will be allocated and also determines the scheme of delegation for the discharge of executive functions. The proper officer maintains a list, in Part 3 of this Constitution, setting out which individual members of the Executive are responsible for the exercise of particular executive functions (Executive Portfolios).

ARTICLE 9 – JOINT ARRANGEMENTS AND JOINT COMMITTEES

9.1 Arrangements to promote well being

In order to promote the economic, social or environmental well being of the area, the Council and the **Leader /Executive** may establish joint arrangements with one or more authorities to exercise their functions.

Wherever possible the Council and the **Leader /Executive** will delegate decision making and operational aspects of any joint arrangements to officers, although joint working arrangements may involve establishing Joint Committees with the other participating authorities.

Additionally, joint working arrangements may also be established with representatives of staff.

9.2 Non-Executive functions – Hertfordshire Highways Joint Member Panel

The Council has established a Highways Joint Member Panel with the County Council. It comprises the six Hertfordshire County Council (HCC) Members representing the six County Divisions in Stevenage and six SBC Councillors, one from each of the Area Committees. The terms of reference of this Panel are set out in Part 3 of this Constitution

The Chair/Vice-Chair of this body is to alternate each year between an HCC Councillor and an SBC Councillor. The SBC, Chair or Vice-Chair is to be the named 'Lead Member – Highways'.

9.3 Executive Functions – CCTV Partnership Joint Executive Committee

The Executive, working jointly with North and East Hertfordshire District Councils, has established a CCTV Partnership Joint Executive Committee. The terms of reference of this Joint Committee are set out in Part 3 of this Constitution.

The SBC membership includes the Executive Portfolio Holder with responsibility for Community Safety. The meetings are chaired by the Lead Member of the Authority that hosts the meeting.

9.4 Arrangements with other local authorities

The Council may make arrangements for other local authorities to perform non-executive functions on its behalf. The Leader may delegate Executive functions to another local authority or its Executive as appropriate.

The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council (non-Executive functions) or the Leader (Executive functions).

9.5 Contracting out

Council and **the Leader / Executive, as appropriate,** may contract out functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994 and other legislation, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

APPENDIX 1.3

RESPONSIBILITY FOR FUNCTIONS

1. GENERAL

1.1 The Authority's functions may lawfully be exercised by:

- The Council
- The Leader
- Deputy Leader when acting as Leader
- The Executive
- Individual members of the Executive
- Committees and Sub-Committees of the Council or the Executive
- Joint Committees
- Officers
- Other persons so authorised where the law permits

1.2 An outline of the decision making structure and the management structure of the Council and the Service Areas within which various functions are generally dealt with is included in Part 2 and Part 8 of this Constitution.

1.3 This Part of the Constitution and the Tables attached describe whether the various functions of the Authority are 'Council functions' or 'Executive functions'.

1.4 The Local Authorities (Functions and Responsibilities) (England) Regulations (as amended) 2000 give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Leader/Executive; which functions may (but need not) be the responsibility of the Leader/Executive ('Local Choice Functions'); and which functions are to some extent the responsibility of the Leader/Executive. All other functions not so specified are to be the responsibility of the Leader who may then delegate as appropriate. The Regulations have been subsequently amended and those amendments are reflected in this Constitution. In addition, certain 'Council' functions must be carried out by the Council itself, that is, the Council may not delegate these to a Committee or officer. These are shown in Table 1.

1.5 Table 2 sets out the functions listed in Schedule 1 to the Regulations (as amended), which cannot be the responsibility of the Leader/Executive. It should be noted that not all the functions listed in this table may apply to Stevenage Borough Council.

- 1.6 Table 3 sets out the Local Choice Functions which may or may not be the responsibility of the **Leader/Executive** and specifies whether, in Stevenage, they will be exercised by the **Leader/Executive** or the Council.
- 1.7 Table 4 sets out the functions which are not to be the sole responsibility of the **Leader/Executive**. The Table describes the plans, policies and strategies, which form the Authority's Policy Framework and specifies what role the **Leader/Executive** will play in relation to those plans, policies and strategies. Essentially, the **Leader/Executive** will develop and consult on the plans, policies and strategies listed and will then refer them to the Council for consideration and approval. If approved, the **Leader/Executive** will then be responsible for implementing them.
- 1.8 The membership of the Executive and Council Committees and Sub-Committees are detailed in Appendix A to this Part of the Constitution. The terms of reference are detailed in Section 2 below.
- 1.9 Council and Executive functions are delegated to officers in accordance with paragraph 4 below, 'Scheme of Delegations to Officers'.
- 1.10 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Rules of Procedure and Protocols shown at Part 4 and Part 5, respectively.
- 1.11 In exercising any function or making any decision the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.
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3. THE ROLE OF THE EXECUTIVE

3.1 The Leader of the Council

The Leader of the Council presents the Council's policies and practices to the citizens of the Borough. In addition the Leader will:

- **Determine the number of Councillors on the Executive**
- **Appoint Councillors on the Executive and allocate Portfolios**
- **Appoint a Deputy Leader**
- **Makes arrangements for the discharge of Executive**

functions to the Executive, individual Members or officers

- Chair the meetings of the Executive.
- Have an overview of, and advise on, the policy making of the Council.
- Act as Lead Member on the Council's overall strategy.
- Monitor the overall performance of the Council in delivering the agreed policies.
- Co-ordinate the work of Executive Members in the development and delivery of Council policy.
- Represent Council policy to the community and other agencies.
- Chair, as appropriate, meetings of Members, officers and partners as necessary.
- Work closely with the Council's Chief Executive and other senior managers on strategic matters which ensure the coordination, consistency and delivery of Council services.
- Reviews the performance of the Chief Executive.
- Represent the Council on local, regional, national and international bodies.
- Consult with the Chief Executive and relevant Executive Members on strategic or policy matters where an urgent decision or action must be taken.
- Promote and develop partnership working with other agencies and ensure that the Council's corporate business strategy objectives are met.
- Where necessary, consult with the leaders of other political groups to expedite the efficient and effective delivery of Council business.
- Take decisions in the case of urgency, as set out in the Council's Constitution.
- Take a leading role in the development and implementation of policy for her/his specific Portfolio area of responsibility.

- In relation to her/his Portfolio area, serve as the initial point of consultation for SMB on any issues relating thereto.
- Take Non-Key Decisions where required in relation to her/his specific Portfolio areas of responsibility.
- Where requested, attend meetings of Scrutiny bodies to make presentations and/or answer questions
- Review the performance of Portfolio Holders

Any decisions taken by the Leader must comply with the principles of decision making and procedural rules set out in this Constitution.

3.2 Executive Portfolios (*based on 2010/2011 decisions of Annual Council*)

The Leader allocates broad areas of its responsibilities and functions to individual Members who serve on the Executive. These areas of responsibility are called 'Executive Portfolios' and are decided by the Leader:

CHILDREN AND YOUNG PEOPLE, CULTURE, SPORT AND LEISURE

To include:

- *Children and Young People*
- *Culture, Arts and Music*
- *Sport and Leisure*
- *Liaison with Stevenage Leisure Limited*
- *2012 Olympics*
- *Parks and Open Spaces*
- *Tourism*
- *So Stevenage District Children's Trust Partnership*

COMMUNITY, HEALTH AND OLDER PEOPLE

To include:

- *Older People*
- *Community Development*
- *Neighbourhood Management (including empowering communities and individuals)*
- *Health Promotion and Education*
- *Reducing Health Inequalities*
- *Voluntary and Community Sector*
- *So Stevenage Partnership Health Forum*

ECONOMY, ENTERPRISE AND TRANSPORT

To include:

- *Liaison with the Business Community*
- *Economic Development*
- *Transport*
- *Concessionary Fares*
- *Highways*
- *Vocational Training and Workforce Skills*
- *So Stevenage Business Forum and Learning Forum*

ENVIRONMENT AND REGENERATION

To include:

- *Urban Regeneration*
- *Planning and Development*
- *Local Development Scheme and Framework*
- *Parking*
- *Waste Collection and Recycling*
- *Street Scene*
- *Parks and Grounds Maintenance*
- *Climate Change Strategy*
- *Town Centre Management*
- *So Stevenage Environment Forum*

HOUSING

To include:

- *Housing Strategy*
- *Liaison with Stevenage Homes Limited*
- *Affordable Housing*
- *Homelessness and Housing Advice*
- *Standards in private rented housing*

RESOURCES

To include:

- *Finance*
- *Estates*
- *Customer Focus*
- *E government and ICT*
- *Human Resources (including equalities and diversity for employees)*
- *Performance Management and Data Quality*
- *Emergency Planning*
- *Risk Management*

SAFER AND STRONGER COMMUNITIES

To include:

- *Community Safety*
- *Enforcement (including environmental action days)*
- *Community Cohesion (including equalities and diversity in the community)*
- *Environmental Health*
- *Tackling Financial Inequality*
- *Licensing*
- *Health and Safety*
- *Local Democracy*
- *So Stevenage Crime and Disorder Reduction Partnership and Social Inclusion Forum*

Additionally, the Leader has specific responsibility for Town Twinning, Modernisation of Local Government (new political structures and the Constitution), Media and Communications, Public Consultation, Partnerships, Members' Services including the Modern Member Programme and the Civic Suite.

3.3 Executive Portfolio Holders

As delegated by the Leader the role of Executive Members with Portfolios is to take the lead in the development and implementation of policy for her/his specific Portfolio area of responsibility. Additionally, Executive Members:

- Advise the Council or Executive on matters concerning the implementation, monitoring and performance of services, groups of services, initiatives and projects, particularly in relation to her/his Portfolio area.
- As a member of the Executive, contribute to the collective decision making and corporate governance of the Council.
- To monitor the performance of Portfolio functions and activities to ensure objectives and targets are achieved to deliver the Council's corporate business strategy.
- To advise and consult with senior managers on matters of significance for Council policy and its implementation particularly in relation to her/his Portfolio area.
- To ensure that value for money is achieved for all citizens of the Borough.
- To represent the Council's views to other agencies, community interests and local media.

- To regularly liaise with the Leader of the Council, other Executive Members and senior managers on strategic matters to ensure proper coordination, consistency and delivery of services within Council policy, particularly in relation to her/his Portfolio area.
- To lead the development of effective partnership working with other agencies and take responsibility for ensuring that the Council's objectives within specific partnerships are met.
- To communicate, consult and maintain a dialogue with the communities within the Borough to ensure that the needs and desires are understood so as to maximise the quality of life for all citizens.
- To chair as appropriate meetings of Members and officers and with Council partners.
- To assist in the setting of agendas and the presentation and reporting of issues to the Council, its committees and Members' seminars.
- To ensure that all of the Council's policies and practices acknowledge and reflect the diversity of the community and ensure that delivery of Council services recognise that diversity.
- In relation to Portfolio areas, serve as the initial point of consultation for SMB on any issues relating thereto.
- To take Non-Key Decisions where required in relation to the specific Portfolio area of responsibility.
- Where requested, to attend meetings of Scrutiny bodies to make presentations and/or answer questions.

3.4 Delegated Authority to Individual Members

The Leader may delegate functions to individual Members to take Non- Key Decisions in relation to their area of responsibility. Any such decisions must be taken in accordance with Article 11 and the procedural rules in Part 4 of this Constitution.

APPENDIX 1.4

RULES OF PROCEDURE

STANDING ORDERS

1. Leadership of the Council/Leadership of political groups and Opposition

A Member of the Council will be elected by the Council as Leader at the post local election meeting (the first such appointment being made at Annual Council 2011).

The Leader's term of office is four years, subject to the postholder being re-elected as a Councillor (if necessary) or being removed from office..

The Leader must appoint a Deputy Leader who will hold office until the end of the term of office of the Leader, subject to being removed by the Leader.

The political groups may each choose two Members as Leader and Deputy Leader of their group, and the largest group in Opposition may choose two Members as Leader and Deputy Leader of the Opposition. All the names when so appointed shall be notified to the Chief Executive for report to the Council.

6. Council Meetings

a. Annual Meeting of the Council

The order of business at the annual meeting will normally be as follows:

- (i) Apologies for absence and Declarations of Interest;
- (ii) Approval of Minutes;
- (iii) To elect a Member as Mayor for the ensuing year;
- (iv) To elect a Member as Deputy Mayor for the ensuing year;
- (v) To nominate a Mayor Designate for the ensuing year;
- (vi) **To elect a Leader in 2011 and subsequently every four years unless the term of office for the Postholder has ended or the Postholder is no longer a Member of the Council**

- (vii) To note the appointment of the Leader and Deputy Leader of the Opposition and Leaders/Deputy Leaders of the minority groups;
- (viii) **To note the appointment of the Deputy Leader, Members of the Executive and the Portfolios allocated, the discharge of**
- (ix) **To note the discharge of Executive functions as directed by the Leader.**
- (x) To appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees/panels as the Council considers appropriate to deal with matters which are neither reserved to the Council for decision nor are Executive functions;
- (xi) To consider any other business set out in the notice convening the meeting.

7. Motions and Amendments which can be moved without Notice

The following motions and amendments can be moved without notice:

- a. Nominating a Chair of the meeting;
- b. About the accuracy of the Minutes;
- c. Referring an issue to an appropriate body or individual;
- d. Changing the order of business under Standing Order 6c;
- e. **Election of a Leader if that post is vacant.**
- f. Appointing a Committee or Member arising from an item on the summons for the meeting;
- g. That an item of business that does not appear on the agenda is referred to the next ordinary meeting;
- h. That a deputation or petition of the Executive is received;
- i. Accepting recommendations from a Committee or officers;
- j. **Motions and amendments arising out of recommendations of the Leader,** Executive, a Committee or officers;
- k. Motions and amendments arising out of the Main Debate at Council;

- l. Motions arising from the presentation of a Petition or Deputation, or a question of which notification has been given under Standing Orders 12 or 15 or the Leader's Update;
- m. Amendments to motions;
- n. That an item of business is withdrawn;
- o. Closure Motions under Standing Order 17f;
- p. To give the consent of the Council where its consent is required by this Constitution;
- q. Excluding the public and press under section 100(A) of the Local Government Act 1972;
- r. To suspend a particular Standing Order;
- s. That a Member named under Standing Order 18 is not heard or must leave;
- t. Recording the Council's appreciation, best wishes or condolence;
- u. About the constitution of Committees;
- v. That a matter raised by a deputation or petition or arising out of a question from the public or a Member is referred to the appropriate Committee or other authority;
- w. Seeking clarification as to the Mayor's ruling on a matter relating to the Conduct of Council Meetings and the application of any particular Standing Order relating thereto as provided for under Standing Order 33;
- x. That a motion moved under Standing Order 14 be dealt with at the meeting at which it is proposed.

14. Motions subject to notice

- a. Motions under Standing Order 7 can be moved without notice. Written notice of any other motion must be signed by the Member or Members giving the notice. Notice must be delivered to the Constitutional Services Manager not later than midday on last working day of the week prior to the despatch of the agenda for the Council meeting. Every motion must be about something for which the Council has a responsibility or which affects the Borough.

- b. If it appears to the Constitutional Services Manager that a motion of which he/she has received notice is not in order, or is framed in improper or unbecoming language, he/she shall take the direction of the Mayor as to whether and in what form it shall be placed on the agenda, and the decision of the Mayor, after consultation with the giver of the notice, shall be final.
- c. No Member shall place more than two new Notices of Motion on the agenda.
- d. All motions for which notice has been given will be printed on the Council agenda in the order received unless a Member giving notice stated, in writing, that he/she proposed to move it at a later meeting or has since written to withdraw it.
- e. **Where a Motion relates to Council business i.e. is not Executive business or has been delegated by Council to another Committee, the matter will be considered at the meeting to which it has been submitted unless it has subsequently been withdrawn.**
- f. **Where the Motion relates to Executive business or has been delegated to a Committee of the Council,** any Member may, without notice, move a procedural motion to the effect that the motion detailed in the agenda is to be debated at the Council meeting. Where such a procedural motion has been moved and seconded, that motion will be put to the Council without debate and with the support of a simple majority of those present determine that a motion, detailed in the agenda, be dealt with at the meeting at which it is proposed.
- g. With no such procedural motion being carried, once the motion detailed in the agenda is moved and seconded, there shall be no debate and the Motion shall stand referred to the Leader, Executive or such Committee as appropriate for consideration and decision.
- h. In the event of a motion detailed in the agenda being debated at the Council meeting (i.e. the relevant procedural motion has been carried) the normal rules of debate apply subject **to the Leader,** Chair of the appropriate Committee or relevant Executive Member (or her/his nominee) having the right of reply at the close of any debate, immediately before the mover of the motion.
- i. Any motion submitted under this Standing Order to change the agreed Budget and Policy Framework of the Council may be approved in principle only and will stand referred to the **Leader / Executive** (and subsequently considered by the Scrutiny Overview Committee) who, after considering an officer report

thereon, will submit a recommendation to the next Council meeting.

- j. **Any motion submitted under this Standing Order that relates to Executive business or may be approved in principle only and will stand referred to the Leader / Executive (and subsequently considered by the Scrutiny Overview Committee) who, after considering an officer report thereon. The outcome of any such matter will be reported to next ordinary meeting of the Council.**
 - k. Where a motion is referred to the Executive or a Committee, the Member moving it shall, if he/she is not a Member of that body, be entitled to attend the meeting to explain her/his motion.
 - l. **The provisions of this Standing Order, where appropriate, apply to a Motion to remove the Leader from office.**
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EXECUTIVE PROCEDURE RULES

1. Discharge of Executive Functions

The arrangements for the discharge of executive functions are set out in Part 3 of this Constitution. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- **The Leader (her/him self)**
- **The Deputy Leader**
- The Executive
- A formal committee of the Executive
- An individual member of the Executive
- An officer
- A Neighbourhood Action Team
- Joint arrangements; or
- Another local authority

2. The Council's Scheme of Delegation and Executive Functions

- a. Subject to (b) below, the Council's scheme of delegation **for non-executive decisions**, as set out in Part 3 of this Constitution, will be subject to adoption by the Council and may only be amended by the Council.
- b. **The Leader will may delegate executive functions, and amend these delegations subsequently. The Leader must give written notice to the proper officer and to the person, body or**

committee concerned. The notice must set out the extent of the delegation and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- c. Sub-delegation of Executive functions:
- (i) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an Executive function, they may delegate further to a Neighbourhood Action Team, joint arrangements or an officer.
 - (ii) **if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive, an individual Executive Member or to an officer.**
 - (iii) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
 - (iv) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.